

¶101.4 COMMUNICATION FROM THE
CLERK—MESSAGE FROM THE SENATE

The SPEAKER laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, August 5, 1996.

Hon. NEWT GINGRICH,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following messages from the Secretary of the Senate on Monday, August 5, 1996 at 2:35 p.m.: that the Senate agreed to conference report S. 1316, that the Senate passed without amendment H.R. 1975, that the Senate agreed to conference report H.R. 3103, that the Senate passed without amendment H.R. 3139, that the Senate agreed to conference report H.R. 3448, that the Senate passed without amendment H.R. 3680, that the Senate passed without amendment H.R. 3834, that the Senate passed without amendment H.R. 3870, that the Senate passed without amendment H. Con. Res. 208.

With warm regards,
ROBIN H. CARLE,
Clerk.

¶101.5 ENROLLED BILLS SIGNED

The SPEAKER announced that pursuant to clause 4, rule I, he signed the following enrolled bills on the following dates:

On August 2, 1996:

H.R. 782. An Act to amend title 18 of the United States Code to allow members of employee associations to represent their views before the United States Government.

H.R. 1316. An Act to reauthorize and amend title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act"), and for other purposes.

On August 15, 1996:

H.R. 3734. An Act to provide for reconciliation pursuant to section 201(a)(1) of the concurrent resolution on the budget for fiscal year 1997.

The SPEAKER announced that pursuant to clause 4, rule I, the Speaker pro tempore, Mr. WOLF, had signed the following enrolled bills on Tuesday, August 6, 1996:

H.R. 1975. An Act to improve the management of royalties from Federal and outer continental shelf oil and gas leases, and for other purposes.

H.R. 2739. An Act to provide for a representational allowance for Members of the House of Representatives, to make technical and conforming changes to sundry provisions of law in consequence of administrative reforms in the House of Representatives, and for other purposes.

H.R. 3103. An Act to amend the internal revenue code of 1986 to improve portability and continuity of health insurance coverage in the group and individual markets, to combat waste, fraud, and abuse in health insurance and health care delivery, to promote the use of medical saving accounts, to improve access to long-term care services and coverage, to simplify the administration of health insurance, and for other purposes.

H.R. 3139. An Act to redesignate the United States Post Office Building located at 245 Centereach Mall on Middle County Road in Centereach, New York, as the "Rose Y. Caracappa United States Post Office Building".

H.R. 3448. An Act to provide tax relief for small business, to protect jobs, to create op-

portunities, to increase the take home pay for workers, to amend the Portal-To-Portal Act of 1947 relating to the payment of wages to employees who use employer owned vehicles, and to amend the Fair Labor Standards Act of 1939 to increase to minimum wage rate and to prevent job loss by providing flexibility to employers in complying with minimum wage and overtime requirements under that act.

H.R. 3680. An Act to amend title 18, United States Code, to carry out the international obligations of the United States under the Geneva conventions to provide criminal penalties for certain war crimes.

H.R. 3834. An Act to redesignate the Dunning Post Office in Chicago, Illinois, as the "Roger P. McAuliffe Post Office."

H.R. 3870. An Act to authorize the Agency for International Development to offer voluntary separation incentive payments to employees of the agency.

¶101.6 SUBPOENA

The SPEAKER pro tempore, Mr. WICKER, laid before the House the following communication from the Chief Administrative Officer:

CHIEF ADMINISTRATIVE OFFICER,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, August 22, 1996.

Hon. NEWT GINGRICH,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the United States District Court for the Northern District of Illinois.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,
SCOT W. FAULKNER,
Chief Administrative Officer.

¶101.7 SUBPOENA

The SPEAKER pro tempore, Mr. WICKER, laid before the House the following communication from Mr. DEUTSCH:

CONGRESS OF THE UNITED STATES,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, August 22, 1996.

Hon. NEWT GINGRICH,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the Circuit Court for the Seventeenth Judicial Circuit for Broward County, Florida.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,
PETER DEUTSCH,
Member of Congress.

¶101.8 SUBPOENA

The SPEAKER pro tempore, Mr. WICKER, laid before the House the following communication from Mr. COLLINS of Georgia:

U.S. HOUSE OF REPRESENTATIVES,
August 27, 1996.

Hon. NEWT GINGRICH,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules

of the House that I have been served with a subpoena issued by Superior Court of Muscogee County, Georgia.

After consultation with the General Counsel, I will make determinations required by Rule L.

Sincerely,
MAC COLLINS,
Member of Congress.

¶101.9 SUBPOENA

The SPEAKER pro tempore, Mr. WICKER, laid before the House the following communication from Mr. TIAHRT:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 4, 1996.

Hon. NEWT GINGRICH,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the District Court of the Eighteenth Judicial District for Sedgwick County, Kansas.

I am consulting with the General Counsel to determine whether compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,
TODD TIAHRT,
U.S. Congressman.

¶101.10 TOLL FREE CONSUMER HOTLINE

Mr. OXLEY, pursuant to the order of the House of August 1, 1996, moved to suspend the rules and pass the bill (H.R. 447) to establish a toll free number in the Department of Commerce to assist consumers in determining if products are American-made; as amended.

The SPEAKER pro tempore, Mr. WICKER, recognized Mr. OXLEY and Mr. MANTON, each for 20 minutes.

After debate,
The question being put, viva voce,
Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. WICKER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. OXLEY objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. WICKER, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed.

The point of no quorum was considered as withdrawn.

¶101.11 FTC REAUTHORIZATION

Mr. OXLEY, pursuant to the order of the House of August 1, 1996, moved to suspend the rules and pass the bill (H.R. 3553) to amend the Federal Trade Commission Act to authorize appropriations for the Federal Trade Commission.

The SPEAKER pro tempore, Mr. WICKER, recognized Mr. OXLEY and Mr. MANTON, each for 20 minutes.

After debate,
The question being put, viva voce,
Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. WICKER, announced that two-thirds of

the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶101.12 PROPANE EDUCATION AND RESEARCH

Mr. SCHAEFER, pursuant to the order of the House of August 1, 1996, moved to suspend the rules and pass the bill (H.R. 1514) to authorize and facilitate a program to enhance safety, training, research, and development, and safety education in the propane gas industry for the benefit of propane consumers and the public, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. WICKER, recognized Mr. SCHAEFER and Mr. PALLONE, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. WICKER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶101.13 MEDICAID ENROLLMENT COMPOSITION WAIVER

Mr. TAUZIN, pursuant to the order of the House of August 1, 1996, moved to suspend the rules and pass the bill (H.R. 3871) to waive temporarily the Medicaid enrollment composition rule for certain health maintenance organizations.

The SPEAKER pro tempore, Mr. WICKER, recognized Mr. TAUZIN and Mr. PALLONE, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. WICKER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶101.14 IMPACT AID TECHNICAL AMENDMENTS

Mr. CUNNINGHAM, pursuant to the order of the House of August 1, 1996, moved to suspend the rules and agree to the following amendment of the Senate to the bill (H.R. 3269) to amend the Impact Aid program to provide for a hold-harmless with respect to amounts for payment relating to the Federal acquisition of real property, and for other purposes:

Strike out all after the enacting clause and insert:

SECTION 1. HOLD-HARMLESS AMOUNTS FOR PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.

Section 8002 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702) is amended by adding at the end the following new subsections:

“(g) FORMER DISTRICTS.—

“(1) IN GENERAL.—Where the school district of any local educational agency described in paragraph (2) is formed at any time after 1938 by the consolidation of two or more former school districts, such agency may elect (at any time such agency files an application under section 8005) for any fiscal year after fiscal year 1994 to have (A) the eligibility of such local educational agency, and (B) the amount which such agency shall be eligible to receive, determined under this section only with respect to such of the former school districts comprising such consolidated school districts as such agency shall designate in such election.

“(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency referred to in paragraph (1) is any local educational agency that, for fiscal year 1994 or any preceding fiscal year, applied for and was determined eligible under section 2(c) of the Act of September 30, 1950 (Public Law 874, 81st Congress) as such section was in effect for such fiscal year.

“(h) HOLD-HARMLESS AMOUNTS.—

“(1) IN GENERAL.—Except as provided in paragraph (2)(A), the total amount that the Secretary shall pay under subsection (b) to a local educational agency that is otherwise eligible for a payment under this section—

“(A) for fiscal year 1995 shall not be less than 85 percent of the amount such agency received for fiscal year 1994 under section 2 of the Act of September 30, 1950 (Public Law 874, 81st Congress) as such section was in effect on September 30, 1994; or

“(B) for fiscal year 1996 shall not be less than 85 percent of the amount such agency received for fiscal year 1995 under subsection (b).

“(2) RATABLY REDUCTIONS.—(A)(i) If necessary in order to make payments to local educational agencies in accordance with paragraph (1) for any fiscal year, the Secretary first shall ratably reduce payments under subsection (b) for such year to local educational agencies that do not receive a payment under this subsection for such year.

“(ii) If additional funds become available for making payments under subsection (b) for such year, then payments that were reduced under clause (i) shall be increased on the same basis as such payments were reduced.

“(B)(i) If the sums made available under this title for any fiscal year are insufficient to pay the full amounts that all local educational agencies in all States are eligible to receive under paragraph (1) after the application of subparagraph (A) for such year, then the Secretary shall ratably reduce payments under paragraph (1) to all such agencies for such year.

“(ii) If additional funds become available for making payments under paragraph (1) for

such fiscal year, then payments that were reduced under clause (i) shall be increased on the same basis as such payments were reduced.”.

SEC. 2. APPLICATIONS FOR INCREASED PAYMENTS.

(a) PAYMENTS.—Notwithstanding any other provision of law—

(1) the Bonesteel-Fairfax School District Number 26-5, South Dakota, and the Wagner Community School District Number 11-4, South Dakota, shall be eligible to apply for payment for fiscal year 1994 under section 3(d)(2)(B) of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such section was in effect on September 30, 1994); and

(2) the Secretary of Education shall use a subgroup of 10 or more generally comparable local educational agencies for the purpose of calculating a payment described in paragraph (1) for a local educational agency described in such paragraph.

(b) APPLICATION.—In order to be eligible to receive a payment described in subsection (a), a school district described in such subsection shall apply for such payment within 30 days after the date of enactment of this Act.

(c) CONSTRUCTION.—Nothing in this section shall be construed to require a local educational agency that received a payment under section 3(d)(2)(B) of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such section was in effect on September 30, 1994) for fiscal year 1994 to return such payment or a portion of such payment to the Federal Government.

SEC. 3. PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN RESIDING ON MILITARY INSTALLATION HOUSING UNDERGOING RENOVATION.

(a) IN GENERAL.—Section 8003(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)) is amended by adding at the end the following new paragraph:

“(4) MILITARY INSTALLATION HOUSING UNDERGOING RENOVATION.—For purposes of computing the amount of a payment for a local educational agency for children described in paragraph (1)(D)(i), the Secretary shall consider such children to be children described in paragraph (1)(B) if the Secretary determines, on the basis of a certification provided to the Secretary by a designated representative of the Secretary of Defense, that such children would have resided in housing on Federal property in accordance with paragraph (1)(B) except that such housing was undergoing renovation on the date for which the Secretary determines the number of children under paragraph (1).”.

(b) EFFECTIVE DATE.—Paragraph (4) of section 8003(a) of the Elementary and Secondary Education Act of 1965, as added by subsection (a), shall apply with respect to fiscal years after fiscal year 1995.

SEC. 4. COMPUTATION OF PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN IN STATES WITH ONLY ONE LOCAL EDUCATIONAL AGENCY.

(a) IN GENERAL.—Section 8003(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)) is amended by adding at the end the following new paragraph:

“(3) STATES WITH ONLY ONE LOCAL EDUCATIONAL AGENCY.—

“(A) IN GENERAL.—In any of the 50 States of the United States in which there is only one local educational agency, the Secretary shall, for purposes of paragraphs (1)(B), (1)(C), and (2) of this subsection, and subsection (e), consider each administrative school district in the State to be a separate local educational agency.

“(B) COMPUTATION OF MAXIMUM AMOUNT OF BASIC SUPPORT PAYMENT AND THRESHOLD PAYMENT.—In computing the maximum payment amount under paragraph (1)(C) and the learning opportunity threshold payment under